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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,088	09/27/1999	SAMI USKELA	004770.00781	9108
22907 7590 10/03/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER NGUYEN, BINH AN DUC	
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			3714	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/405,088

Applicant(s)

USKELA ET AL.

Examiner

Binh-An D. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/13/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Applicants' Petition to revive Abandoned Application has been approved.

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Currently, claims 12-31 are pending in the application. Acknowledgment has been made.

Claim Objections

Claims 12, 15, and 30 are objected to because of the following informalities:

In claim 12, line 4, the comma (,) should be replaced by a semicolon (;).

In claim 15, the limitation of "wherein the game sponsoring gateway controls providing of games to the user terminal received from the means for supplying games or advertisements to the user terminal received from the means for selecting" (lines 11-15) should be amended as "wherein the game sponsoring gateway controls providing of games to the user terminal received from the means for supplying games, or providing advertisements to the user terminal received from the means for selecting" for clarity.

In claim 30, line 22, the recited phrase "a least one" should be replaced with "at least one".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12, 14-16, 18-20, 25, 26, 28, and 29 are rejected under 35 U.S.C.102(e) as being anticipated by Angles et al. (5,933,811).

Referring to claim 12, Angles et al. teaches a system for a sponsored games network comprising: a communications network (33)(Fig.2); a game sponsoring gateway (e.g., content provider 14), in communication with said communication network (Fig.2); a user terminal (e.g., consumer computer 12) in communication with said network to access said game sponsoring gateway; a game server, in communication with said game sponsoring gateway, which supplies games over said communication network to said user terminal. Note that, the content provider computer 14 also includes online games (21:55-60), therefore, the content provider computer 14 anticipated the applicant's game server. Further, Angles et al. teaches a sponsor content server (e.g., advertisement provider computer 18), in communication with said game sponsoring gateway, which supplies advertising over said network to said user terminal; and wherein the game sponsor gateway controls providing of the games from the game server and advertisements to the user terminal from the sponsor content server (17:39-18:34; 21:33-22:57; and Figs. 1, 2, 4, 9).

Referring to claim 15, Angles et al. teaches a system providing games comprising: a communications network (33)(Fig.2); a game sponsoring gateway (e.g.,

content provider 14) in communication with said communications network; a user terminal (e.g., consumer computer 12) communicating with said communications network to access said game sponsoring gateway (e.g., content provider 14)(Fig.2); means for supplying games to said game sponsoring gateway which are delivered over said communications network to said user terminal (21:53-60)(Fig.2); and means for selecting user specific advertising (18:35-19:11); and wherein the game sponsoring gateway controls providing of games to the user terminal received from the means for supplying games or advertisements to the user terminal received from the means for selecting (21:33-22:8). Note that, the content provider computer 14 also includes online games (21:55-60), therefore, the content provider computer 14 anticipated the applicant's means for supplying games.

Referring to claim 25, the online game system of Angles et al. as being addressed in claims 12 and 15 above is capable of performing a method for supplying games comprising: accessing a game sponsoring gateway (e.g., content provider 14)(Fig.2) through a communication network (33)(Fig.2); accessing a game from a game provider (e.g., content provider 14)(Fig.2) through said game sponsoring gateway; and wherein the game sponsoring gateway controls providing games from the game provider for a specific user and controls selecting advertising from a source of advertising for the specific user which selected advertising is provided to the specific user under control of the game sponsoring gateway (21:15-22:65).

Referring to claim 14, Angles et al. teaches a user data server (registration data base included in the advertisement provider computer in communication with the game

sponsoring gateway which provides user information on the user of the user terminal to the game sponsoring gateway which uses the user information to control content of the advertisements provided to the user (16:56-17:38; 22:9-30).

Referring to claim 16, Angles et al. teaches means for profiling a user accessing games through said user terminal and supplying user dependent information to said game sponsoring gateway which selects advertising for display in games provided to the user terminal (15:20-55).

Referring to claim 18, Angles et al. teaches means for providing a profile of a user who is using the user terminal to access the system including information of the user's preferences to said game sponsoring gateway which selects advertising for display in games provided to the user terminal (15:20-55).

Referring to claim 19, Angles et al. teaches means for providing a profile of a user who is using the user terminal to access the system including information of the user's profile to said game sponsoring gateway which selects advertising for display in games provided to the user's terminal (15:20-55).

Referring to claim 20, Angles et al. teaches means at the user terminal for dynamically displaying the advertising in the game (display of consumer computer 12) (Figs.1,2).

Referring to claim 26, Angles et al. teaches determining user specific profiles which, are used for selecting said advertising (15:20-55).

Referring to claim 28, Angles et al. teaches selecting advertising for display in games supplied to the user over said communication network (21:53-22:8).

Referring to claim 29, Angles et al. teaches using the game sponsoring gateway to select the advertising supplied to the user in games supplied over the network based upon a criteria from a historical database containing information about the user (16:56-17:10; 18:35-19:21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 17, 21-24, 27, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angles et al. (5,933,811).

Referring to claim 30, the online game system of Angles et al. as being addressed in claims 12 and 15 above is capable of performing a method for supplying sponsored games comprising: accessing a game sponsoring gateway (e.g., content provider 14)(Fig.2), from a user terminal (e.g., consumer computer 12) through a communication network (33), the game sponsoring gateway authenticating the user (22:12-30); the game sponsoring gateway retrieves a profile of the user from the user data server; based upon the profile of the user, the game sponsoring gateway retrieves the advertisements from a sponsor content server; retrieving with the game sponsoring gateway user selected game data from a game server (22:58-65); scanning the user selected game data with the game sponsoring server to identify placeholders according to the profile of the user, preferences of the user or a current geographic location of the

user obtained from a location server; and inserting with the game sponsoring server each retrieved advertisement into a least one placeholder (12:51-60; 18:21-34). Angles et al. does not explicitly teach accessing a user data server from the game sponsoring gateway to determine if the user will accept advertisements attached to select game data; and when the advertisements are acceptable, the game sponsor gateway retrieves a profile of the user from the user data server, however, since Angles et al. disclosed that the advertise customization process would also depend upon user's preference (17:3-30), it would have been obvious to check if the advertisements compatible with the consumer's preference to achieve the maximum results.

Referring to claims 13, 17, 21-24, 27, and 31, Angles et al. teaches all limitations as being addressed in claims 12, 14-16, 18-20, 25, 26, and 28-30 above. Angles et al. does not explicitly teach a location server for providing location information of the user, however, since Angles et al. disclosed using demographic information to customize the advertisements to the user (17:3-10; 14:16-50), it would have been obvious to include the location of the user in the demographic data to maximize the advertising effect, thus bring forth great profits to the game network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

BN

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